

BEFORE THE  
**Federal Communications Commission**  
 WASHINGTON, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
 OFFICE OF THE SECRETARY

In the Matter of )

Telephone Number Portability )

North American Numbering Council )  
 Recommendation Concerning Local Number )  
 Portability Administration, Wireless and )  
 Wireline Integration )

CC Docket No. 95-116

NSD File No. L-98-84

**REPLY COMMENTS OF  
 PRIMECO PERSONAL COMMUNICATIONS, L.P.**

PrimeCo Personal Communications, L.P. ("PrimeCo")<sup>1</sup> hereby submits  
 reply comments pursuant to the Commission's Public Notice in the above-referenced  
 proceeding.<sup>2</sup>

**I. THE RECORD IN THIS PROCEEDING CONFIRMS THAT  
 FORBEARANCE FROM NUMBER PORTABILITY OR, AT MINIMUM,  
 EXTENSION OF THE JUNE 30, 1999 DEADLINE IS WARRANTED**

PrimeCo initially supported wireless number portability ("WNP") but  
 noted, even at that time, that "number portability will carry high capital and operational

<sup>1</sup> PrimeCo is the broadband A/B Block PCS licensee or is the general partner/majority owner in the licensee in the following MTAs: Chicago, Milwaukee, Richmond-Norfolk, Dallas-Fort Worth, San Antonio, Houston, New Orleans-Baton Rouge, Jacksonville, Tampa-St. Petersburg-Orlando, Miami and Honolulu.

<sup>2</sup> *Public Notice, Common Carrier Bureau Seeks Comment on North American Numbering Council Recommendation Concerning Local Number Portability Administration, Wireless and Wireline Integration*, CC Docket No. 95-116, DA 98-1290, NSD File No. L-98-84 (released June 29, 1998) ("Public Notice").

costs as well as daunting technical hurdles.”<sup>3</sup> Based on its *actual* wireless experience and the development of CMRS over time, PrimeCo has changed its position regarding the public interest benefits of WNP and has, in subsequent proceedings, urged the Commission to forbear from enforcing WNP and, at minimum, extend the June 30, 1990 WNP deadline.<sup>4</sup> The NANC Report and the record in this proceeding affirm PrimeCo’s and the wireless industry’s view that forbearance is required and that compliance with the June 30, 1999 deadline is not feasible.

**A. Technical Obstacles to WNP Implementation, Such as the MIN/MDN Split Warrant Forbearance or, at Minimum, Extension of the June 30, 1999 Deadline**

As numerous commenters have demonstrated, the NANC Report on Wireless Wireline Integration (“NANC Report”) confirms that wireless number portability (“WNP”) implementation, as mandated by the Commission, will be complicated, time-consuming and costly.<sup>5</sup> Furthermore, and as a number of parties noted, standards for WNP implementation are still under development. As vendors generally require 18-24 months to make compliant equipment available for the market, it is clear that compli-

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<sup>3</sup> See Comments of PCS PrimeCo, L.P., CC Docket No. 95-116, filed September 12, 1995, at 1, 3-4; Reply Comments of PCS PrimeCo, L.P., CC Docket No. 95-116, filed October 12, 1995, at 1-2.

<sup>4</sup> See PrimeCo Comments and Reply Comments in CC Docket No. 95-116, filed December January 9, 1998, January 24, 1998, February 23, 1998, and March 10, 1998.

<sup>5</sup> See Bell Atlantic Mobile (“BAM”) Comments at 5-7; CTIA Comments at 5-8; Sprint PCS Comments at 4, 8-9.

ance with the June 30, 1999 deadline is simply not feasible.<sup>6</sup> Again, at minimum an extension of the June 30, 1999 deadline is required.

Furthermore, the NANC Report again calls into question whether mandatory WNP is consistent with the public interest *at all*.<sup>7</sup> While the Telecommunications Resellers Association ("TRA") states that WNP is "crucial" to competition and consumer choice in wireless services,<sup>8</sup> the high "churn" rates experienced by wireless carriers, and the development of wireless competition in the *absence* of WNP, belie this assertion.<sup>9</sup> Indeed, the Commission has recently acknowledged a number of real-world factors impeding wireless-wireline competition.<sup>10</sup> As the Commission aptly noted, "[g]iven that the broadband PCS sector is in its early stages of development, *the most important variable affecting its ability to compete* in the mobile telephone market is

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<sup>6</sup> AT&T Comments at 9 n.23; BAM Comments at 7-8; BellSouth Comments at 13-14; Rural Telecommunications Group Comments at 6-7.

<sup>7</sup> See BAM Comments at 9-13; Sprint PCS Comments at 3-4; United States Cellular Corp. Comments at 1-4.

<sup>8</sup> TRA Comments at 3-7.

<sup>9</sup> TRA's assertion that WNP is "essential to the fulfillment of the resellers' competitive role in the wireless markets" directly contravenes the Commission's stated policy of protecting competition, not competitors. TRA Comments at 6; see *Access Charge Reform / Price Cap Performance Review For Local Exchange Carriers / Transport Rate Structure And Pricing / End User Common Line Charges, First Report and Order*, 12 FCC Rcd 15982, 16059-60 (1997); *Pacific Telesis Group Transferor, and SBC Communications, Inc. Transferee, For Consent to Transfer Control of Pacific Telesis Group and its Subsidiaries, Memorandum Opinion and Order*, 12 FCC Rcd. 2624, 2646-47 (1997); *Report and Order, WATS-Related and Other Amendments of Part 69 of the Commission's Rules*, 59 Rad. Reg. 2d (P&F) 1418, 1434-35 (1986).

<sup>10</sup> *Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, Third Annual CMRS Competition Report*, FCC 98-91, released June 11, 1998, at 32 ("Third CMRS Report").

coverage” and, for this reason, “broadband PCS operators have made expansion of their footprint a primary focus.”<sup>11</sup> As numerous parties have attested throughout this proceeding, WNP implementation will, invariably, divert monetary and personnel resources from network deployment and other pressing activities, without corresponding public interest benefit.

**B. The Commission Should Reject TRA’s and MCI’s “Alternative” Proposals**

Two parties — MCI and TRA — dispute whether the NANC Report’s findings regarding the MIN/MDN split warrant a delay in the WNP implementation deadline. These commenters ignore fundamental differences between wireless and wireline technologies and the Commission’s WNP mandate. The Commission’s rules explicitly require that the WNP implementation for “cellular, broadband PCS, and covered SMR providers *must be able to support roaming nationwide*” by the June 30, 1999 deadline.<sup>12</sup> It is the need to comply with the Commission’s mandate and preserve the benefits of roaming that necessitates both the MIN/MDN split and, if the Commission declines to forbear from imposing WNP, the need to extend the June 30, 1999 deadline.

MCI accuses NANC of using “the same hackneyed recitals of why wireless carriers can not implement number portability” and asserts that the Commission, rather than considering the implications of these technical realities, should “instead strongly encourage the wireless industry to resolve these technical issues, making clear

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<sup>11</sup> *Id.* at 32 (emphasis added).

<sup>12</sup> 47 C.F.R. § 52.31(a)(2) (emphasis added).

that technical challenges will not serve as grounds to delay” WNP.<sup>13</sup> Under MCI’s proposal, wireless-wireless porting would be mandated, but wireless-wireline porting would not.<sup>14</sup> MCI’s two-tiered approach, however, does nothing to resolve the technical difficulties of wireless-wireless porting illustrated in the NANC Report or to ensure compliance with the Commission’s mandate regarding roaming. MCI’s “square peg in round hole” approach to WNP implementation should thus be rejected out of hand.

While TRA suggests that the wireless industry use a variation of Location Routing Number (“LRN”) and Global Title Translation (“GTT”) as a means of alleviating the need to split the MIN and MDN, industry has *already* determined that use of the LRN and GTT *does not* eliminate the need to split the MIN and MDN. In any event, industry has already submitted the technical standards implementing MIN/MDN split for balloting, and restarting the standards process to address the feasibility of TRA’s proposal would delay WNP even further. Consensus through industry standards bodies, not *ex post facto* regulatory fiat, are the appropriate means of addressing this issue.

## II. CONCLUSION

The NANC Report acknowledges real obstacles to WNP implementation and supplements an already substantial record in support of forbearance or, at minimum,

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<sup>13</sup> MCI Comments at 7. The NANC Report’s testament to the technical obstacles to WNP implementation are no less “hackneyed” than MCI’s “recitals” regarding WNP and number conservation. *Id.* 7, 12-16. However, it is well-established (and MCI acknowledges) that CMRS providers are efficient users of numbering resources and, in any event, these issues are being addressed in separate FCC and state proceedings.

<sup>14</sup> *Id.* at 13-14.

an extension of the June 30, 1999 deadline. If maintained, WNP should not be implemented in a manner that undermines the provision of competitive CMRS services.

Respectfully submitted,

**PRIMECO PERSONAL COMMUNICATIONS, L.P.**

A handwritten signature in black ink, reading "William L. Roughton, Jr." followed by a stylized flourish.

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August 31, 1998

## **CERTIFICATE OF SERVICE**

I, Loretta B. Rias, hereby certify that on this 31st day of August, 1998, I caused copies of the foregoing Reply Comments of PrimeCo Personal Communications, L.P. to be served by hand to the following:

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